

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

THOMAS WILLIAMS

PLAINTIFF

VS.

CIVIL ACTION NO: 1:19cv144-SA-DAS

NAVISTAR DEFENSE, LLC

DEFENDANT

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW, Thomas Williams, by and through counsel, and files this Complaint against Navistar Defense, LLC. Plaintiff would respectfully show unto the Court as follows:

I. THE PARTIES

1. Plaintiff, Thomas Williams, is an adult resident citizen of the State of Mississippi.
2. Defendant Navistar Defense, LLC. is a Limited Liability Company. Defendant may be served with process by service upon its registered agent for service of process, Corporation Service Company, 7716 Old Canton Road, Suite C, Madison, Mississippi 39110.

II. JURISDICTION

3. This Court has federal question jurisdiction for a cause of action arising under the Family and Medical Leave Act. Plaintiff was an employee, and Defendant is an employer within the meaning of the Family and Medical Leave Act.

III. FACTS

4. Plaintiff Thomas Williams ("Williams") was hired to work as a laborer by Defendant Navistar Defense, LLC. ("Navistar") on March 12, 2018.
5. Plaintiff was involved in a serious automobile accident on or around March 27, 2019. Plaintiff sustained serious injuries to his head and his knee.

6. Because of his serious injuries, Plaintiff could not return to work. Plaintiff's treating physician instructed Plaintiff not to return to work until he was released.

7. Plaintiff reported his automobile accident and necessary medical leave to Defendant.

8. Defendant terminated Plaintiff on April 22, 2019, while Plaintiff was still on necessary medical leave.

9. Plaintiff was released by his physician to return to work on May 15, 2019. Defendant refused to reinstate Plaintiff's employment.

IV. COUNT ONE – VIOLATION OF FMLA

10. Defendant was, at all relevant times, an employer within the meaning of the Family Medical Leave Act ("FMLA") 29 U.S.C. § 2601 *et seq.* Plaintiff was protected by the Family Medical Leave Act.

11. Plaintiff informed Defendant of a serious health condition following the automobile accident which required necessary medical leave from Plaintiff's employment.

12. Defendant terminated Plaintiff's employment while Plaintiff was on necessary medical leave and before Plaintiff exhausted twelve (12) weeks of leave.

13. Defendant failed and refused to allow Plaintiff leave to which he was entitled under the FMLA. Defendant refused to allow Plaintiff to return to work after necessary medical leave.

14. Plaintiff attempted to return to work before exhausting the FMLA leave to which he was entitled. Defendant refused to reinstate Plaintiff.

15. Defendant is liable for violating Plaintiff's substantive rights under the FMLA.

V. COUNT TWO – FMLA RETALIATION

16. Further, Defendant retaliated against Plaintiff for having taken medical leave to which he was entitled under the FMLA.

17. Plaintiff's termination was in retaliation for Plaintiff being entitled to medical leave under the FMLA.

18. Defendant is liable for violating Plaintiff's proscriptive rights under the FMLA.

VI. DAMAGES

19. Plaintiff is entitled to compensatory damages from Defendant. Plaintiff is entitled to damages for lost wages and benefits. Plaintiff is entitled to front-pay, or alternatively, to reinstatement.

20. The employment actions against Plaintiff were willful, such that liquidated damages are warranted.

21. Plaintiff is entitled to an award of reasonable attorneys' fees.

VII. PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, Plaintiff Thomas Williams demands judgment against Defendant Navistar Defense, LLC for damages in an amount to be determined by a jury. Plaintiff demands damages for loss of wages, benefits, front-pay or alternatively reinstatement. Plaintiff demands an award of reasonable attorneys' fees.

Plaintiff demands trial by jury. Plaintiff further demands such other and more general relief to which he is entitled. Plaintiff demands trial by jury.

RESPECTFULLY SUBMITTED, this the 31st day of July, 2019.

McLAUGHLIN LAW FIRM

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